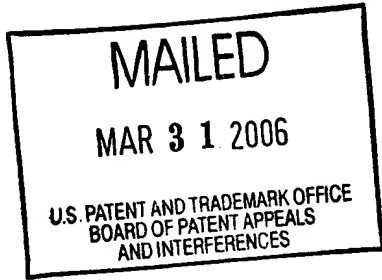


The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.



UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* HARI KALVA and ALEXANDROS ELEFThERIADIS

---

Appeal No. 2005-2469  
Application No. 09/240,509

---

ON BRIEF

---

Before GROSS, LEVY, and SAADAT, *Administrative Patent Judges*.  
GROSS, *Administrative Patent Judge*.

#### **DECISION ON APPEAL**

This is a decision on appeal from the examiner's final rejection of claims 1 through 14, which are all of the claims pending in this application.

Appellants' invention relates to a method for communicating command information between a server and a client across a network in an interactive communication system. Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for communicating command information between a server and a client across a network in an interactive communication system, comprising the steps of:

Appeal No. 2005-2469  
Application No. 09/240,509

generating a command message including a command, a command descriptor, and one of a server route for directly associating a node with the command descriptor and a command node for indirectly associating a node with the command descriptor; and

transmitting the command message across a network upon occurrence of a triggering event.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Daniel J. Woods et al., "Wired For Speed: Efficient Routes in VRML 2.0," Silicon Graphics, VRML 97, Monterey, CA 1997, pp. 133-38. (Woods)

D7.2 Review of VRML and WWW Techniques, ACTS Project N. AC040, COVEN-Collaborative virtual environments, pp. 1-33. (Coven)

Claims 1 through 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Woods in view of Coven.

Reference is made to the Examiner's Answer (mailed October 21, 2004) for the examiner's complete reasoning in support of the rejections, and to appellants' Brief (filed July 2, 2004) and Reply Brief (filed December 28, 2004) for appellants' arguments thereagainst.

#### **OPINION**

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by

appellants and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 1 through 14.

Appellants assert (Brief, page 5) that the target of Woods' route is another node for a scene, not a command descriptor. Appellants continue, "Unlike a node, which is internal to a scene that has been downloaded to a single computer, a command descriptor comprises information to be transmitted back to a server computer upon the occurrence of an associated event." The examiner responds (Answer, page 6, with a similar statement on page 8) that the claims do not recite "a command comprises information to be transmitted back to the server computer upon the occurrence of an associated event" or "a route which targets a command descriptor." Further, the examiner asserts (Answer, page 7) that the client server model recited in the preamble has no corresponding structure in the body of the claim and (Answer, page 8) that "a method for communicating command information between a server and a client across a network in an interactive communication system" is intended use.

However, appellants in their specification (pages 2 and 8) define command descriptor, which is recited in the body of claims 1 and 8, as containing a command that will be transmitted back to the server when an associated event is triggered. Thus, the

recitation of a command and a command descriptor in claims 1 and 8 includes, by definition, a command comprising information to be transmitted back to the server computer upon the occurrence of an associated event. Further, claims 1 and 8 recite that the server route "associat[es] a node with the command descriptor." Thus, the claimed route targets a command descriptor. Further the client server model and communicating across a network recited in the preamble have corresponding structure in the body of the claim by virtue of the recited command descriptor and server route, as well as the step of transmitting the command message across a network.

Appellants explain (Brief, page 6) that Coven discloses hypothetical VRML-based solutions for providing multi-user support, but fails to "render obvious the client-server based architecture described in the Application." Appellants conclude that the combination of Woods and Coven, therefore, does not suggest the client server architecture described in claims 1 and 8. The examiner asserts (Answer, page 6) that Coven "teaches a server route for associating a node with the command descriptor on Fig. 4.2 of page 20," and that "MFString url" "contains a URL to command the command descriptor to a server." The examiner concludes that the prior art teaches a server route for

associating a node with a command descriptor. Further, the examiner (Answer, page 7) states that Woods' "VRML 2.0 supports (client server modeling such as) a pull model in which messages are not sent until the recipient request data" and thus teaches the preamble's structure. The examiner (Answer, page 7) also refers to Coven's section 4.2.3 as disclosing a client server environment.

Appellants respond (Reply Brief, page 3), asserting that Woods

which focuses on transmission of messages *locally* (i.e., on the same computer), necessarily fail[s] to disclose or suggest at least "generating a command message including a command, a *command descriptor*, and one of a *server route* for directly associating a node with the command descriptor and a command node for indirectly associating a node with the command descriptor," and "transmitting the command message *across a network* upon occurrence of a triggering event."

Appellants explain (Brief, page 9) that Woods discloses a VRML scene that runs on a single machine. Thus, Woods fails to disclose or suggest a client server model, or communicating between a server and a client, as recited in claims 1 and 8. Appellants add (Brief, page 10) that Coven likewise discloses VRML-based approach and, therefore, also does not disclose appellants' client server architecture.

Appeal No. 2005-2469  
Application No. 09/240,509

We have reviewed the sections of Coven and Woods relied upon by the examiner, and we find no suggestion of a client server architecture. The examiner has made conclusions referring to sections of the references without clearly pointing out what elements (or steps) in the references correspond to the claimed elements (or steps). Accordingly, we find that the examiner has failed to establish a prima facie case of obviousness, and we cannot sustain the rejection of claims 1 and 8, nor the claims which depend therefrom, claims 2 through 7 and 9 through 14.

Appeal No. 2005-2469  
Application No. 09/240,509

## CONCLUSION

The decision of the examiner rejecting claims 1 through 14 under 35 U.S.C. § 103 is reversed.

**REVERSED**

Anita Pellman Gross

ANITA PELLMAN GROSS  
Administrative Patent Judge

STUART S. LEVY

STUART S. LEVY  
Administrative Patent Judge

Mahshidd. Qadad

MAHSHID D. SAADAT  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS  
AND  
INTERFERENCES

Appeal No. 2005-2469  
Application No. 09/240,509

BAKER & BOTTS  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112